

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| -----X | : | |
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| UNITED STATES OF AMERICA, | : | |
| | : | |
| -v- | : | 22-CR-343-5 (JMF) |
| | : | 24-CV-10083 (JMF) |
| ISIAIAH THOMAS, | : | |
| | : | <u>ORDER</u> |
| Defendant. | : | |
| -----X | : | |

JESSE M. FURMAN, United States District Judge:

Defendant Isaiah Thomas, proceeding without counsel, previously filed motions to reduce his sentence and to vacate his sentence. *See* 22-CR-343 (JMF), ECF Nos. 345, 347. By Order entered on January 7, 2025, the Court ordered the Government to file a single, consolidated opposition to both motions no later than January 23, 2025, and ordered Thomas to file a single, consolidated reply no later than February 13, 2025. *See* ECF No. 348. The Government filed its opposition one day late, on January 24, 2025. *See* ECF No. 351.

Earlier today, the Clerk of Court docketed a motion, styled a motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, filed by Thomas. *See* 24-CV-10083 (JMF), ECF No. 4. To the extent that Thomas’s new motion argues that his earlier motions should be granted because the Government filed its opposition late, that request is denied. Granted, the Government should have filed its opposition on time. But the one-day delay did not result in any prejudice to Thomas and certainly does not entitle him to the relief that he seeks in his original motions. To the extent the new motion seeks any other relief, it is procedurally improper, both because Rule 56 of the Federal Rules of *Civil* Procedure does not apply to these proceedings and because he was granted leave to file a reply, not a new motion.

In light of the foregoing, the Court *sua sponte* grants Thomas an extension to **February**

20, 2025, to file his reply memorandum of law in support of his motion to reduce his sentence and his motion to vacate his sentence. To the extent that there are arguments in his filing docketed today that he wishes the Court to consider in connection with these earlier motions, he should include them in the reply. Alternatively, Thomas may file a letter requesting that the Court treat the motion filed earlier today as his reply.


The Clerk of Court is directed to terminate 24-CV-10083 (JMF), ECF No. 4 and to mail a copy of this Memorandum Opinion and Order to:

ISALAH THOMAS
Register No. 39372-510
USP Hazelton
U.S. PENITENTIARY
P.O. BOX 2000
BRUCETON MILLS, WV 26525

Thomas has not made a substantial showing of the denial of a constitutional right, so a certificate of appealability will not issue. *See* 28 U.S.C. § 2253(c); *see also, e.g., Matthews v. United States*, 682 F.3d 180, 185 (2d Cir. 2012). In addition, this Court certifies, pursuant to Title 28, United States Code, Section 1915(a)(3), that any appeal from this Order would not be taken in good faith, and *in forma pauperis* status is thus denied. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: January 31, 2025
New York, New York



JESSE M. FURMAN
United States District Judge